

ZONING BOARD OF APPEALS
MINUTES
JUNE 25, 2014 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Grady, Manning, Russotto, Stebbins
Absent: Kravits, Mencer
Staff: Cullen, Silsby

Chairman Stebbins called the meeting to order at 7:00 p.m. and reviewed public hearing procedures.

Stebbins explained that the Board consists of five (5) members, which means that four (4) consecutive affirmative votes would be required to pass a variance request application. It was noted that the applicant has the option to postpone the public hearings for two weeks, if they so choose.

Both sets of the applicants stated that they understood and would like to proceed with the public hearings tonight.

Secretary Manning read the Call of the Hearing.

II. PUBLIC HEARING

1. ZBA14-04 – 42 Clift Street, Mystic, Michael & Kristin Glasfeld/ Owners, for a variance to Section 5.2 for 9' lieu of 25' for a front yard setback and one half of a foot in lieu of 6' for a side yard setback for an addition to a residence. PIN#261918329126, RS-8 zone.

Secretary Manning noted that all mailings have been received and found to be in order.

Kristin Vaughn/owner, stated that a recent survey has been prepared, which indicates that there will be less additional setback needed than what was requested. The survey was reviewed. It was noted that her 1842 home is located in the Historic District and is a non-conforming lot. She stated that a 4' setback instead of a ½ foot setback is being requested for a side yard setback and a 9' setback is being requested in lieu of a 25' setback. Photos were reviewed of the property as well as the property next door.

The survey was submitted and marked Exhibit 1. Discussion followed about the survey and setbacks.

Vaughn stated that a Certificate of Appropriateness (COA) was granted by the Historic District Commission. It was noted that the COA is not in the current file but Staff will verify this information.

The Chairperson asked the public if there is anyone to speak in favor or against this application. There were no comments.

Manning read a memo from the Planning Commission dated 6/25/2014 (submitted as Exhibit 2). The Planning Commission had a concern about the deficiency of the side yard setback being exacerbated by the extension of the structure. Staff clarified that the Planning Commission reviewed the original request prior to the survey being prepared and reducing the side setback request.

The Public Hearing closed at 7:20 p.m.

2. ZBA14-05 – 516-528 Gold Star Highway, Angus McDonald Gary Sharpe & Associates/ Engineer, Toll Gate Plaza LLC/Owner, for a variance to Section 7.1-36(a) to allow a drive-through facility in a front yard, for a variance to Section 7.1-36(b) to allow an additional curb cut for a drive through facility, for a variance to Section 6.12-5 (c)(1) to allow the usage of underground drywells for stormwater from developed parking areas, for a variance to Section 5.2 for 44' in lieu of 50' for a front yard setback (Toll Gate Road) for a two-story building, for a variance to Section 5.2 for 27' in lieu of 30' for a side yard setback for the purpose of a canopy, and for a variance to Section 6.12-6(d) to allow underground drywells as part of an expansion of a non-permitted use. PIN#169905177520, CB-15 zone.

Secretary Manning read the public hearing notice, reviewed the mailings and found them to be in order.

Those present for this application were Russell Sergeant, Matthew White, Attorney Holth, and owner Nick Sahin.

Russell Sergeant, Architect, 3 Rowland Street, Mystic, reviewed the plans and explained the variance requests in detail. There will be 3 gas pumps, which is currently a non-permitted use. Oil and gas separators will be installed. Plans and photos were submitted and reviewed. Specifics were given about the proposed drive through, changes to retail space, and gas pumps.

Matthew White, Engineer at Angus MacDonald/Gary Sharpe Associates, 233 Boston Post Road, Old Saybrook, presented and reviewed the site plan. Information was given about the triangular lot, the existing building, runoff, the parking lot, site access, fuel pumps, and the drive through with canopy. The exit location will be changed. He explained that the fuel runoff will be more environmentally controlled and traffic flow should be safer. The proposal includes a right turn only exit onto Route 184. The plan has been forwarded to the State Department of Transportation (DOT) and submitted, for the record. He added that DOT has not yet given an encroachment permit.

Secretary Manning noted that the plan being reviewed is part of the site plan and will be marked as Exhibit 1. The DOT letter was marked Exhibit 2.

White pointed out that this site was built prior to zoning regulations. He stated that Groton Utilities had concerns which have been addressed and the Inland Wetlands Agency approved a permit. Runoff would now flow through the oil water separators on-site, before being discharged off-site. Specifics were

given about fuel spill protection. Drainage flow and drywells were discussed as concerns were raised. White stated that a series of environmental improvements will be made. He addressed the concerns of the Planning Commission and explained why oil water separators would be beneficial.

Inquiries about the impervious surface, the canopy, storm drainage, the watercourse, drywells, and traffic flow were addressed. Additional inquiries were made about the building square footage. The building was built around 1980. The additional fuel pump would increase the non-conforming use. Discussion ensued about what proposed changes could be accomplished utilizing current zoning regulations.

The aerial map was submitted and marked Exhibit 3.

Concerns were raised about an additional pump, location change, the drive through with canopy, and additional traffic congestion.

Attorney Thor Holth of Holth and Kollman, LLC, New London, spoke about the Phase I. Documentation was submitted and marked Exhibit 4. Additional documentation, concerning the limited Phase II, was submitted and marked Exhibit 5. Information was given about fuel spills on site and drywells. Holth stated that the Inland Wetland Agency (IWA) unanimously supported this project because of the upgrades to the current drywells. He explained that this property is a pre-existing non-conforming lot which limits what can be done. IWA minutes of May 14, 2014 were submitted and marked Exhibit 6. He explained the specifics as to why each variance request was proposed and how they are trying to improve the site.

Discussion followed about stacking lanes in nearby facilities, setbacks, increasing the non-conformity of the site, fuel storage tanks, and drainage. Concerns were raised about extra stacking lanes, setbacks, front curb cut, and the hardship that exists. Current Zoning Regulations were discussed in regards to fuel pumps, drywells, and stacking lanes.

The Chairperson asked the public if there was anyone in favor or against this application.

Walter Arnold, 546 Tollgate Road, reviewed the plan. He does not agree with changing the exit location as his house is located directly across the street from the proposed location. He agreed that oil water separators might be helpful with runoff. He stated that Route 184 is considered the commercial side and Toll Gate Road is all residential.

Lisa Arnold, 546 Tollgate Road, spoke against the exit location change. She noted that changing the exit to Toll Gate Road would create heavy traffic congestion for residents who live across the street on Toll Gate Road and could be hazardous. She felt that oil water separators would be beneficial. She doesn't feel that an additional fuel pump is needed. She expressed concerns about the drywell at the back of her property always being filled.

Eric Bleau, 524 Tollgate Road, expressed concerns about the vast amount of runoff that flows onto his property from Route 184 and surrounding properties. He explained about the bridge he constructed in order to walk across his property, due to the high volume of runoff, cannot withhold the large

amount of runoff that flows onto his property. Concerns were also raised about traffic.

Tina Gifford, 544 Toll Gate Road, spoke in agreement with the previous speakers, and gave concerns about water flow and traffic.

Mr. Johnson, 515 Toll Gate Road, was present to support the previous speakers.

Manning read into the record, the Planning Commission memo dated 6/25/14. The Planning Commission had numerous concerns about 1) Internal and external traffic flow due to the addition of a drive through, curb cut, and extra pumps; 2) Increasing the non-conformity in the Water Resource Protection District (WRPD); 3) Lack of runoff pre-treatment, as part of the drainage system.

Staff reviewed communications from Public Works, Groton Utilities, and the Department of Transportation. Acting on each variance request individually was discussed.

Nick Sahin, owner of the property, who resides at 645 Groton Long Point Road, noted that he purchased the property 13 months ago and is attempting to improve the property. He stated that the building is falling apart and explained the request for an additional gas pump. He spoke about catch basins that need to be cleaned.

Sergeant spoke about cars speeding on-site, lack of appropriate drainage, and a lack of sidewalks. He noted that there would be a new catch basin at the access point from Toll Gate Road and an oil water separator would be installed. He continued to note all the improvements that would be made, including improvements to drainage.

Attorney Holth gave detailed information about the oil water separators and improving the overall site. He asked the ZBA to approve the variance requests, as submitted.

It was noted that Route 184 is a State road and requires approval by the DOT for a highway encroachment permit.

There was a consensus by the Board to not act on this item tonight but instead, make a decision at the next regularly scheduled meeting on July 9, 2014, in order to review the new documentation that was submitted into the record tonight.

Manning explained the appeal process. Stebbins welcomed the public to attend the next meeting and urged the public to contact Town Staff after the vote has been taken at the next meeting.

The Public Hearing closed at 9:23 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. Decision on Public Hearing Application

- a. ZBA14-04 – 42 Clift Street, Mystic, Michael & Kristin Glasfeld/
Owners

The Board stated that this is a non-conforming lot and pre-dates zoning regulations. It was noted that the residential addition will not exacerbate the non-conformance.

MOTION: To grant the variance as requested.

Motion made by Scott, seconded by Grady, so voted unanimously.

- b. ZBA14-05 – 516-528 Gold Star Highway, Angus McDonald Gary
Sharpe & Associates/ Engineer, Toll Gate Plaza LLC/Owner

No action was taken tonight. A decision will be made at the next meeting scheduled for July 9, 2014.

2. Correspondence – None.
3. Minutes – Meeting of June 11, 2014

MOTION: To approve the minutes of June 11, 2014, as amended.

Motion made by Grady, seconded by Russotto, so voted unanimously.

4. New Business

Staff is expecting a new application from Wal-Mart.

5. Report of Staff

Staff stated that interviews for the vacant Planning Director's position will take place in July. She also stated that the vacant Building Inspector's position will soon be filled.

An inquiry was made about a house on New London Road. It was noted that this house is currently in compliance and a Certificate of Occupancy is expected to be issued within the next few weeks.

IV. ADJOURNMENT

Motion to adjourn at 9:30 p.m. was made by Russotto, seconded by Grady, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Silsby
Office Assistant II